

**ENTERED**

March 30, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

COLUMBIA LLOYDS INSURANCE  
COMPANY, *et al*,

Plaintiffs,

VS.

LIBERTY INSURANCE  
UNDERWRITERS, INC.,

Defendant.

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CIVIL ACTION NO. 3:17-CV-5

**ORDER ON MAGISTRATE JUDGE'S MEMORANDUM  
AND RECOMMENDATION**

The Court has received the Memorandum and Recommendation by the United States Magistrate Judge (Dkt. 38) and the Objections filed by the parties (Dkt. 39 and Dkt. 40).

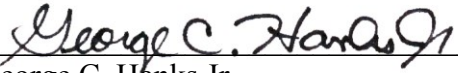
In accordance with 28 U.S.C. § 636(b)(1), this Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings and summary judgment record; and the briefing and arguments of the parties. The Court **ACCEPTS** the Magistrate Judge’s Memorandum

and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) The motion for partial summary judgment on the duty to defend filed by Columbia Lloyds Insurance Company, MDOW Insurance Company, John Dunn, and Milby Dunn, II (Dkt. 21) is **GRANTED**.
- (2) The motion for summary judgment filed by Liberty Insurance Underwriters Inc. (Dkt. 20) is **DENIED**.

SIGNED at Galveston, Texas, this 30th day of March, 2018.

  
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George C. Hanks Jr.  
United States District Judge